



W.P(MD)No.24261 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24261 of 2024

V.Shanthi

... Petitioner

Vs

The Tahsildar,
Thanjavur,
Thanjavur Taluk,
Thanjavur District.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent herein to survey the petitioner's plot in survey number 75/5B1A, Najikottai Village, Thanjavur Taluk, Thanjavur District and issue the individual patta for the said plot as requested by the petitioner vide petitioner's application, dated 25.06.2024 and 08.07.2024.

For Petitioner
For Respondent

: Mr.V.R.Shanmuganathan
: Mr.D.S.Nedunchezian
Government Advocate



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ORDER

The petitioner claims right over the property in S.No. 75/5B1A, Najikottai Village, Thanjavur Taluk, Thanjavur District. He has made an application for surveying the property on 25.06.2024 and 08.07.2024 before the respondent. Alleging that the said application is still pending without any progress, the petitioner has filed this writ petition seeking a mandamus to conduct survey.

2.Mr.D.S.Nedunchezian, learned Government Advocate, takes notice for the respondent.

3.Considering the limited relief sought for by the petitioner, this writ petition stands disposed of, in the admission stage itself, with the following directions:-

- a) The survey authority shall scrutinize the application filed by the petitioner, if it is in order.



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- b) The petitioner shall enclose all the relevant documents, such as patta. If the petitioner is having only a joint patta, he must get consent from the co-pattadors for conducting survey.
- c) The survey authority shall issue notice to the petitioner as well as to the adjacent land owners and also to the interested persons, if any.
- d) The survey authority shall conduct an enquiry u/s.10 of the Tamil Nadu Survey and Boundaries Act, 1923. During enquiry, the objections raised by the adjacent land owners / interested persons shall be considered.
- e) If the surveyor finds the objections to be having substance, then, he shall pass appropriate orders calling upon the applicant to move the jurisdictional civil Court.



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- f) If, according to the survey authority, the objections are without any basis, the same shall be overruled and the objectors shall be informed accordingly. But the survey shall be conducted only after a period of six weeks, enabling the objectors to move the concerned Court for injunction, if they are so advised. If, before the proposed date of survey, the objectors are not able to obtain any injunction order, then the survey can very well go on.
- g) It is open to the parties to serve memo of instructions to the surveyor at the time of conducting survey. Though it is not binding on the surveyor, he shall take note of the same.
- h) If required, the surveyor is empowered to seek aid of the jurisdictional police and the jurisdictional police are mandated to grant police protection.



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- i) It is made clear that at the end of the survey exercise, survey stones alone can be installed. The exercise of survey and demarcation undertaken pursuant to the directions of this Court can never result in dispossession of any party. No person shall put up fencing at the time of survey by using police aid.
- j) The surveyor shall conclude the entire exercise, one way or the other, within a period of six weeks after service of notice on the interested persons.
- k) After the survey, a copy of the survey report along with the sketch shall be served on the parties.

There shall be no order as to costs.

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NCC :Yes/No
Index :Yes
vrn



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To
The Tahsildar,
Thanjavur Taluk,
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B.PUGALENDHI, J.

vrn

Order made in
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